

TOWN OF BUCKEYE
REGULAR COUNCIL MEETING MINUTES
MARCH 16, 2004

Call to Order

Mayor Hull, who led the pledge of allegiance, called the meeting to order at 7:16 p.m.

Members Present: Mayor Hull, Vice Mayor Newberry, Councilman Meck, Councilwoman Weir, Councilwoman Charman, Councilman Doster, and Councilman Urwiller.

Staff Present: Joe Blanton, Scott Ruby, Linda Garrison, Mike Carey, Christine Dunnington, Mary Saiz, Carroll Reynolds, Larry Harmer, Jeanine Guy, and Alicia Griffin.

Comments from the Public

Elaine May, representing the Cemetery Committee, stated that the Council has on the agenda under invoices to be paid an invoice from the contractor who built the cemetery fence for payment. She stated that the Cemetery Committee was not happy with the fence and requested Council to hold off on payment until the area is cleaned up and the Committee is satisfied with the fence. Mr. Blanton stated that this was a progress payment and that the final payment would not be made until the Town is satisfied with the fence and the area cleaned up.

Julia Ohlund, 566 N. Gable Court, Buckeye, AZ, addressed the Council regarding the Community Center parking lot needing to restripe the handicap parking spaces and the need for more parking at the facility.

Consent Agenda: All items with an asterisk (*) are considered to be routine and will be enacted by one motion of the Council. Agenda items *3 and *4 were all on the consent agenda.

Moved by Vice Mayor Newberry, seconded by Councilwoman Weir to approve items *3 and *4 on the consent agenda. The motion passed unanimously.

(*3) Approved the minutes of the March 2, 2004 Council workshop and regular Council meeting as presented.

(*4) Approve the invoices due by the Town for payment.

Non Consent Agenda

New Business

Public Hearing – Liquor License – Bella Proa

Mayor Hull opened the public hearing at 7:22 p.m. to hear public input on the request from Bella Proa for a Series 12 Liquor License at 104 Monroe Avenue. There being no input from the public, Mayor Hull closed the public hearing at 7:23 p.m.

Liquor License – Bella Proa

Moved by Councilwoman Weir, seconded by Vice Mayor Newberry to approve the liquor license request for a Series 12 liquor license requested by Bella Proa for their restaurant located at 104 Monroe Avenue, Buckeye, AZ. The motion passed, Mayor Hull, Vice Mayor Newberry, Councilwoman Weir, Councilwoman Charman, Councilman Doster and Councilman Urwiller voting “Aye”, Councilman Meck voting “No”.

Resolution 07-04 Submission of Grant to State Historic Preservation

The Buckeye Main Street Coalition requested Council to authorize Town staff to submit a grant through the State Historic Preservation Office to repair and renovate the Old Town Hall located at 216 S. 4th Street. The maximum amount that can be applied for is \$100,000 with the Town's match no less than \$40,000. The Main Street Coalition stated that to finish the project \$80,159.45 will be required. In order to receive grant monies the Town will have to formally list the property on the State and National Register of Historic Places. Moved by Councilman Urwiller, seconded by Councilwoman Charman to adopt Resolution 07-04 authorizing Town staff to submit a grant to the State Historic Preservation Office for the revitalization of the old town hall located at 216 S. 4th Street with the Town match not to exceed \$80,159.45 from Downtown Revitalization Funds. The motion passed unanimously.

Change Order Request – Breinholt Contracting Co., Inc.

Carroll Reynolds, Public Works Director, requested Council to consider approval of a Change Order with Breinholt Contracting Co, Inc. for the removal of debris at the Airport. Councilman Urwiller asked if this included the debris that is located in the ditch by the Airport. Mr. Reynolds stated that it was not and that the removal of that debris would take a different form of removal process. Moved by Vice Mayor Newberry, seconded by Councilman Meck to approve the Change Order with Breinholt Contracting Co., Inc in the amount of \$5,000 for the removal of debris materials from the Airport. The motion passed unanimously.

Ordinance 12-04 Annexation – Tolmachoff A04-02

Scott Truitt of Don Bennett and Associates, on behalf of Mr. and Mrs. Tolmachoff requested annexation the approximately 146 acres located at the northwest corner of Southern Avenue and Apache Road. Moved by Councilman Meck, seconded by Councilwoman Weir to adopt Ordinance 12-04 increasing the corporate limits of the Town of Buckeye and read by title only. The motion passed unanimously.

Ordinance 13-04 Rezoning – Tolmachoff RZ04-92

Scott Truitt of Don Bennett and Associates, on behalf of Mr. and Mrs. Tolmachoff requested rezoning of approximately 146 acres located at the northwest corner of Southern Avenue and Apache Road. Moved by Councilman Meck, seconded by Councilwoman Weir to adopt Ordinance 13-04 rezoning approximately 146 acres located at the northwest corner of Southern Avenue and Apache Road from Rural-43 (Maricopa County) to Planned Residential (Town of Buckeye) and read by title only. The motion passed unanimously.

Ordinance 14-04 Annexation – Akisaku (various parcels)

Michael Fa of Design Fusion requested continuance of this item. Mr. Ben Myscofski, 29201 W. Tonopah-Salome Highway, addressed the Council with concerns regarding the annexation (see attached letter). Moved by Vice Mayor Newberry, seconded by Councilman Urwiller to continue this annexation request until the April 20th meeting. The motion passed unanimously.

Ordinance 15-04 Tesota Hill Development Agreement

David Burrows, with CMX, LLC, on behalf of JKL Partners and White Tank 140, LLC, requested approval of a Community Master Plan and Development Agreement for "Tesota Hills". The property is generally located at the northeast corner of the McDowell Road and Dean Road alignments. Council questioned who would be providing water and sewer to the area. Mr. Burrows replied that AZ American Water would be serving the area under the Town's franchise agreement. Councilman Meck questioned if the franchise agreement covered any additional areas other than the original Verrado community were included in the original proposition. Mr. Ruby stated he would look into it. Councilman Urwiller stated he would like to see a traffic study done being concerned the flow of traffic to McDowell Road. Woody Scoutten, Town Engineer, stated that a study was submitted and reviewed by his staff. Mr. Ruby stated that he had sent his comments back on the Development Agreement and had not received any response from Tesota Hills'

Council Minutes
March 16, 2004
Page 3

attorney. Moved by Councilman Meck, seconded by Councilman Urwiller to table this item awaiting comments on the Development Agreement from Scott Ruby. The motion passed unanimously.

Ordinance 16-04 Approving Major Amendment #3 – Verrado Community Master Plan

This was a request by Biskind, Hunt and Taylor, P.L.C., on behalf of DMB White Tank, LLC, for approval of Verrado Community Master Plan Amendment No. 3, modifications to Section 3.03.L.4.b, Swimming Pool Enclosure Design. This request would allow DMB White Tank, LLC to modify the standards relative to latching requirements for windows and doors and prohibit the use of pet doors in areas with direct access to pool areas. Staff and the Development Board recommend approval. Moved by Councilman Urwiller, seconded by Councilwoman Weir to adopt Ordinance 16-04 approving a Major Amendment #3 to the Verrado Community Master Plan and read by title only.

Ordinance 17-04 Annexation – Gerard A04-01

Ron Gerard of Gerard Construction requested Council approval of an annexation of approximately 10 acres of land located approximately 1/8 mile south of Yuma Road and ¼ mile east of Miller Road. Moved by Vice Mayor Newberry, seconded by Councilman Meck to approve Ordinance 17-04 increasing the corporate limits of the Town of Buckeye and read by title only. The motion passed unanimously.

Resolution 08-04 Final Plat – Verrado Parcel 5.803 (FP04-96)

Biskind, Hunt & Taylor P.L.C., on behalf of Fidelity National Title Insurance Company, as Trustee under its Trust No. B176 (“Trustee”) as Owner, requested Final Plat approval for Parcel 5.803. The parcel is located within Planning Unit V in the western portion of Phase 1 of the Verrado Master Planned Community in a portion of Section 25, Township 2 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County. This site consists of 25 lots and 9 tracts on approximately 29.92 acres. Mr. Brian Marshall, of Biskind, Hunt and Taylor P.L.C. reviewed various maps showing the areas involved in the Final Plat and was available for questions. Moved by Vice Mayor Newberry, seconded by Councilman Doster to adopt Resolution 08-04 approving the Final Plat of a subdivision to be known as “Verrado Parcel 5.803” located in the western portion of Phase 1 in Planning Unit V of the Verrado Master Planned Community, approximately ¾ of a mile west of Verrado Way and south of Lost Creek Drive in a portion of Section 25, Township 2 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and read by title only.

Resolution 09-04 Canvass of the Vote

Moved by Vice Mayor Newberry, seconded by Councilman Meck to adopt Resolution 09-04 canvassing the vote of the Primary Election held on March 9, 2004 and read by title only. The motion passed unanimously. Certificates of Election and Nomination were presented to the candidates elected and to the candidates nominated.

Request for Funds – Buckeye Food Bank

Dave Rioux requested Council approval of a request from contingency funds in the amount of \$1,163.00 to assist residents with utility and other bills. Moved by Councilman Meck, seconded by Vice Mayor Newberry to approve the request of \$1,163.00 from contingency to the Buckeye Food Bank to assist needy residents. The motion passed unanimously.

Town Manager’s Report

The Town Manager reported on the following items:

1. Request for Proposals have been received for the Parks and Recreation Master Plan.
2. The annual Library Luncheon will be on March 26th at the Community Center.
3. There will be a Fly-in at the airport on the 27th of March.

Council Minutes
March 16, 2004
Page 4

Comments from the Mayor and Council

Councilwoman Weir congratulated elect-Robert Garza and elect-Levi Beard.

Vice Mayor Newberry also congratulated elect-Robert Garza and elect-Levi Beard and reported that the Town will be receiving \$462,000 from the Community Development Block Grant for 5th and 7th Street reconstruction

Councilwoman Charman, Councilman Urwiller and Mayor Hull all expressed the same congratulations to elect Garza and elect Beard.

Adjournment

There being no further business to come before the Council, moved by Vice Mayor Newberry, seconded by Councilwoman Charman to adjourn 8:10 p.m. The motion passed unanimously.

Dustin Hull, Mayor

ATTEST:

Linda Garrison, Town Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the Council workshop held on the 16th day of March 2004. I further certify that the meeting was duly called and that a quorum was present.

Linda Garrison, Town Clerk